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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,878	03/06/2002	Michael R. Schramm	MRS-017U	2526

52966 7590 10/25/2010

Schramm-Personal: Active
Michael R. Schramm
350 West 2000 South
Perry, UT 84302

EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1713

NOTIFICATION DATE	DELIVERY MODE
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10/25/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mikeschramm@besstek.net
mschramm@axialbiotech.com
mschramm@juneaubiosciences.com

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/7/2010 has been entered.

Election/Restrictions

Newly submitted claims 55-84 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the newly submitted claims are to a broader concept of the invention, namely to the container. Applicant acknowledges claiming of a broader/differing [scope] of invention in the response as of 4/13/2010. The originally filed invention set forth was directed to a kit combination with a container with the workpiece, coating material or colorant, even to the extent of including a utensil. The new combination thus being to the container with its structural features would not constitute a kit as originally filed and examined. The container would be capable of having a different purpose other than coating such as storage of an article or a structure for even cleaning of an article.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

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on the merits. Accordingly, claims 55-84 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Acknowledgement is made of the declaration filed under 37 CFR 1.132 which has been made of record. The declaration does not affect the response of the present office action.

This application is in condition for allowance except for the following formal matters:

The first page of the specification should be reviewed for any further updates to reflect all prior applications, filing dates, and the corresponding patent numbers.

Claims 55-84 to the non-elected invention should be cancelled without prejudice to Applicant's right to file a divisional application.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Wednesday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura Edwards/
Primary Examiner
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Le
October 19, 2010